

DOCUMENT RESUME

ED 242 007

EA 016 418

TITLE Things to Consider When Contemplating Termination of an Employee.
INSTITUTION Ohio Association of Secondary School Administrators.
PUB DATE 13 Jan 84
NOTE 4p.
PUB TYPE Guides - Non-Classroom Use (055) -- Collected Works - Serials (022)
JOURNAL CIT Legal Notes; v11 n7 Jan 13 1984
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Educational Legislation; Employer Employee Relationship; *School Administration; Secondary Education; *Teacher Dismissal; *Teacher Evaluation
IDENTIFIERS PF Project

ABSTRACT

Secondary school administrators considering the termination of an employee prior to the expiration of contract are offered several suggestions. These are: have a good evaluation system in place; follow all phases of the evaluation system; document all conferences, observations, and other encounters; alert the superintendent early in the process; keep the superintendent informed; make arrangements for other administrators to observe and evaluate the potential terminee; alert the employee to the potential action; provide the employee with copies of all relevant evaluations; and allow the employee the opportunity to respond in writing. Administrators are also advised to know the laws regarding legal termination. (LP)

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THINGS TO CONSIDER WHEN CONTEMPLATING TERMINATION OF AN EMPLOYEE

January 13, 1984

Ohio Association of Secondary School Administrators
Westerville, Ohio

Legal Notes
vol. 11, no. 7

EA 016 4/8



LEGAL NOTES



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VOLUME XI, NUMBER 7

JANUARY 13, 1984

THINGS TO CONSIDER WHEN CONTEMPLATING TERMINATION OF AN EMPLOYEE

Termination means the ending of an employee's contract by the employer prior to the concluding or expiration date of the contract. Ohio Revised Code 3319.16 governs the termination of a certificated employee of the board of education. This is in contrast to the nonrenewal of an employee's contract. Nonrenewal means that after the expiration date of the employment contract there is no agreement to continue the employment of the person and thus the individual no longer holds the job.

Termination is more difficult to accomplish than nonrenewal. OASSA offers the following thoughts when termination is contemplated.

- Have a good evaluation system in place.
- Follow all phases of the evaluation system.
- Document all conferences, visits, conversations, observations, reports, etc.
- Alert the superintendent or the appropriate assistant superintendent early in the process to the potential of a termination.
- Keep the superintendent informed.
- Make arrangements for other administrators to observe and evaluate.
- Alert the employee to the seriousness of the situation and the possibility of termination.
- Provide the employee copies of all evaluations, memos, and directives related to the performance of the individual that are placed in the personnel file.
- Present the employee the opportunity to respond in writing to any material placed in the personnel file.

-Know the law

Reasons will have to be given to the employee. The legal reasons are:

- gross inefficiency
- immorality
- willful and persistent violations of reasonable regulations of the board of education
- other good and just cause

- Only the superintendent may recommend to the board of education that it act to terminate the employment of an individual.

- Have all policies in writing and adopted by the board of education.
- Follow these policies for yourself and all employees.
- Determine that there is a good legal basis for the termination.
- Secure good well established legal counsel.
- Don't assume that you have an open and shut case.

REGARDING DOCUMENTATION, CONSIDER THE FOLLOWING ITEMS:

- Be objective rather than subjective. State known facts.
- Be complete but as concise as possible.
- Describe the incident, its time, date and place. Name the people involved as well as any witnesses to the incident.
- Keep the documentation in chronological order.
- Use a uniform reporting system, ie. all items are typed on an 8½ X 11 sheet of paper and kept in a loose leaf notebook.
- Be careful of what you put in writing. Be wary of "weasel words"--usually, sometimes, always, never, seldom, etc.
- Make notes daily and add to the folder in chronological order.
- Don't praise people indiscriminantly. It can come back to haunt you.

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